

## UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Civil Division

Karl: Burden-El Bey

Case No.

4:19cv126

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Hampton VA,  
Gregory Simms, and  
Unknown city Contractor John Doe towing

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Karl: Burden-El Bey
Street Address	c/o 804 Grimes Road
City and County	Hampton
State and Zip Code	Virginia Republic [23663-9998]
Telephone Number	757-718-5739
E-mail Address	vsa1@yahoo.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

## Defendant No. 1

Name	<u>Hampton VA city</u>
Job or Title ( <i>if known</i> )	
Street Address	<u>22 Lincoln street</u>
City and County	<u>Hampton</u>
State and Zip Code	<u>Virginia 23669-0000</u>
Telephone Number	
E-mail Address ( <i>if known</i> )	<u>www.hampton.gov</u>

## Defendant No. 2

Name	<u>Gregory Simms</u>
Job or Title ( <i>if known</i> )	<u>Code Compliance Inspector</u>
Street Address	<u>22 Lincoln street 3rd floor</u>
City and County	<u>Hampton</u>
State and Zip Code	<u>Virginia</u>
Telephone Number	<u>757-727-6317</u>
E-mail Address ( <i>if known</i> )	<u>gregory.simms@hampton.gov</u>

## Defendant No. 3

Name	<u>John Doe Towing Company</u>
Job or Title ( <i>if known</i> )	<u>City Contractor Towing company</u>
Street Address	<u>UNK</u>
City and County	<u>Hampton/Newport News</u>
State and Zip Code	<u>Virginia</u>
Telephone Number	<u>UNK</u>
E-mail Address ( <i>if known</i> )	<u>UNK</u>

## Defendant No. 4

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1. Article 1, section 10 para 1 - Contracts, 2. Article III, section 2 - Judicial process, 3. Article IV section 2 Privileges and Immunities, and 4. Rights under the IV, V, and XIV Amendments to the U.S. Constitution and 18 U.S. Code 241 and 242

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the \_\_\_\_\_  
State of *(name)* \_\_\_\_\_

##### b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated \_\_\_\_\_  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of \_\_\_\_\_  
the State of *(name)* \_\_\_\_\_, Or is a citizen of \_\_\_\_\_  
(foreign nation) \_\_\_\_\_

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

---

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Plaintiff was denied his rights by defendants by violating and trespassing upon his property and should be awarded his free schedule and damages for such.

---

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Event started at 10 Bonneville Drive and transferred to 804 Grimes Road in the City of Hampton Virginia on December 13th Plaintiff's private automobile was towed from private property and scheduled to reoccur on the 24th with another.. 1. Plaintiffs believes constitutional rights and FRCP rules (64) has and are being violated by actions of named Defendants who are applying and enforcing such city ordinance Chapter 24, Section 24-9 in accordance to State Statutes 15.2-905 and 46.2-100. 2. Defendant believes these actions violates 18 U.S.C. 241, 242, 42 U. S. C. 1983, Articles I, Sec. 8, para 17, 18, Sec. 9 para. 2 & 3. Art. III, Sec.1 & 2. Art. IV Sec. 2. Art. V. Art. VI para.11, 2& 3, and Amendments IV, V, VI, VII, X, XI, XIII and XIV

3. That Plaintiff is entitled to 18 U.S.C. 241, and 242, and 42 U.S.C. 1983 and 1986 and Jury trial demanded

B. What date and approximate time did the events giving rise to your claim(s) occur?

On and about December 2nd time unknown, 13th between 9am and 5pm and is set again to reoccur on the 24th

---

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Notices given to landlord December 2nd, and 13th pertaining to my private property (Automobiles ), and Plaintiff received on the 4th and 13th. On and about the 13th between 10am and 5pm unknown defendant John Doe towing company (contractor) did enter without authorization and trespass upon private property to commit larceny of private property (1992 Ford Crown Vic.) valued at more than \$500 while Plaintiff was away. Plaintiff has received 2nd notice from landlord about his other private automobiles of the same above actions to be taken on or about the 24th. Note: Plaintiff is a disable Veteran in which one of the private automobiles (1992 Ford) is lift equipped to aid in disability and would require great hardship if this action is not stayed until this matter is decided by this court.

---

#### IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Disable Veteran private automobiles (with Lift) is used for medical appointments and private aid traveling, and the lack thereof shall cause great financial loss, expenses, and undue hardship to Plaintiff and caretaker. If immediate stay is not granted, Plaintiff will be without medical equip transporter.

---

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. The Plaintiff respectfully request an emergency stay against all actions of the defendants until the challenged question/s of Federal Rule 5.1 - 2403 has a final decision on the merits.
2. To require Defendant (John Doe City contractor) to return private property taken (1996 Green 4 door Ford with Private plates)
3. Actions against Defendants in accordance to 18 U.S. Code 241, 242, 42 U.S. Code 1983, 1986 and any others the court may award and require such payments of the attached (Affidavit of Commercial Security Agreement, Schedule A & Fee schedule and add damages of at lease \$1,000,000.00 per
4. Any and all such other remedies and reliefs that can be applies to this matter
5. Plaintiff demands Jury trial

---

**VI. Certification and Closing**

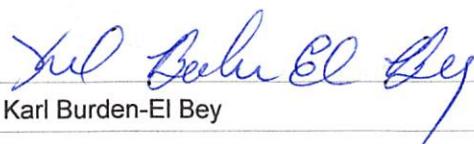
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/20/2019

Signature of Plaintiff



Printed Name of Plaintiff

Karl Burden-El Bey**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bar Number

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Street Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State and Zip Code

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E-mail Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_